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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/666,733 | 09/20/2000 | James A. Creighton | P04589US0 | 6043 |

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,733

Applicant(s)

Creighton et al.

Examiner

Clark F. Dexter

Art Unit

3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 12, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) 9-12 and 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group I (claims 1, 2-8 and 13) in the response filed April 12, 2002 (paper no. 4) is acknowledged. The traversal is on the ground(s) that "Applicant believes that all the groups of claims identified by the Examiner are properly contained in the present application and are not distinct from one another. This is not found persuasive for the following reasons. First, there is no allegation that the containment of the groups in a single application is improper. The Examiner's position is only that these groups define distinct inventions. Second, regarding applicant's statement that the groups are not distinct, the Examiner maintains the position that the groups define independent and distinct inventions for the reasons stated in the restriction requirement. However, if applicant believes that some of the groups are not directed to distinct inventions, applicant may identify which groups are not patentably distinct and claims directed to these groups will be examined together. It is noted, however, that such a statement may be used as an admission of obviousness and may be used in a rejection under 35 USC 103 (a) to reject all of the identified groups of inventions over prior art that meets one of the groups.

2. Claims 9-12 and 14-20 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

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The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

3. The information disclosure statement filed September 20, 2000 (paper no. 2) has been received and the references listed thereon have been considered.

Specification

4. The disclosure is objected to because of the following informalities:

On page 4, line 20, "board" appears to be inaccurate, and it seems that it should be changed to --book-- or the like.

On page 7, line 1, "A" should be changed to --As shown in Figure 8, -- or the like for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 1-8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, line 6, ✓ “connected to said cutting table” is vague and indefinite since the cutting table is not positively set forth as part of the claimed invention, and it is suggested to insert --a cutting table-- on a separate line between lines 5 and 6 or the like.

In claim 8, lines 2-3, ✓ the recitation “a track follower mounted on said mechanism” is vague and indefinite as to how the track follower can be both part of and attached to the mechanism, and it seems that in line 1 “and further comprising” should be changed to --wherein said mechanism comprises--, and “said mechanism” in line 3 should be changed to recite the appropriate structure.

In claim 13, line 6, ✓ “connected to said cutting table” is vague and indefinite since the cutting table is not positively set forth as part of the claimed invention, and it is suggested to insert --a cutting table-- on a separate line between lines 5 and 6 or the like; in line 16, ✓ “spaced above said sheet members” is vague and indefinite since the invention is being positively defined in terms of the work piece which is not part of the claimed invention, and it is suggested after “spaced” to insert --from said table and-- after “spaced” or the like; similarly, in line 17, ✓ the recitation “engaging and cutting through said sheet members” is vague and indefinite since the invention is being positively defined in terms of the work piece which is not part of the claimed invention, and it is suggested to insert --proximate said table for-- before “engaging” or the like; in line 18, ✓ “movable” should read --movably--.

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Prior Art

6. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.


Clark F. Dexter
Primary Examiner
Art Unit 3724

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July 1, 2002